

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 12

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Yitzchok Majerowitz,

Plaintiff,

Civil Action No.:

v.

Harvard Collection Services, Inc.

LEVY, M.J.

**COMPLAINT AND
DEMAND FOR TRIAL BY JURY**

Defendant(s).
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Plaintiff Yitzchok Majerowitz ("Plaintiff" or "Majerowitz"), by and through its attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for its Complaint against the Defendant Harvard Collection Services, Inc. ("Defendant" or "HARVARD"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. Seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of NY, County of Kings, residing at 55 Franklin Avenue, #4A, Brooklyn, NY 11205.

3. Defendant is a collection firm with a principal place of business at 4839 N Elston Avenue, Chicago, IL 60630, and, upon information and belief, is licensed to do business in the State of NY.

4. HARVARD is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around November, 2011, on several separate occasions, Defendant left at least 6 voicemails for Plaintiff with respect to the Alleged Debt, asking that he call back on a “very important” matter (See transcript, attached hereto as Exhibit “A”).

10. In said communication(s), Defendant failed to state that it was a debt collector.

11. In said communication(s), Defendant failed to state that it was attempting to collect a debt and that any information would be used for that purpose.
12. Defendant also failed to provide Plaintiff with its true company name.
13. Said failure on the part of defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(11).
14. Said failure on the part of defendant is also a violation of the FDCPA, 15 U.S.C. § 1692e(14).
15. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.
17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(11) and 15 USC §1692e(14).
18. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Yitzchok Majerowitz demands judgment from the Defendant Harvard Collection Services, Inc., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. A declaration that the Defendants' practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 11, 2012

Respectfully submitted,

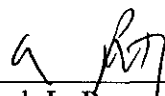
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Exhibit A - Transcript

Message for Yitzchak Majerwitz. My name is Hugo Martinez. Once you receive this message, very important you return the call back, sir. We did get the response that you requested and at this time I'm having a tough time reaching you. Phone number that you should dial to reach us is 773-724-6158. Please return the call back today.

Message for Mr. Yitzchak Majerwitz. My name is Hugo Martinez. Once you receive this message, very important you return the call back. Phone number you may dial to reach me is 773-724-6158. Please return the call back today. We've made several attempts trying to reach you with some important matter that needs your immediate attention. Once again, that phone number where you can reach me at 773-724-6158. Please return the call back today.

Message being left for Yitzchak Majerwitz. My name is Frank Torres. Mr. Majerwitz a matter has been forwarded to my attention concerning case number 13232650. I'm scheduled to report back concerning this matter. It is imperative that I do get a return call back from you. I've had my representatives send you several messages. I have not heard a response back. It is important that I do get a contact call before 2pm central time. The number to take to contact my office is 773-724-6153. Once again, very important that Yitzchak Majerwitz contacts my office immediately. Thank you.

This message is for Mr. Yitzchok Mezorowitz . My name is Hugo Martinez. Once you receive this message, once again, it's very important that you return the call back. The phone number that you may dial to reach us is 773-724-6158. Please return the call back today.

This message is for Yitzchok Mezorowitz. My name is Hugo Martinez. Once again, I'm trying to reach you, sir, in reference to an important matter that needs your immediate attention. The phone number that you should dial to reach us is 773-724-6158. Please return the call back today and dial extention 2186.

Message for Mr. Yitzchok Mezorowitz. My name is Hugo Martinez. Once you receive this message, it's very important that you return the call back. We attempted several times trying to reach you in reference to this matter that needs you immediate attention. The phone number that you should be dialing to reach us is 773-724-6158. Please return the call back today.